

**Texas Board of Occupational Therapy Examiners**  
**RULES COMMITTEE MEETING MINUTES**  
Rules Committee  
May 7, 2015  
333 Guadalupe, Suite #2-510  
Austin, TX 78701  
1:00 PM

Committee Members Present: DeLana Honaker, OTR, PhD, FAOTA,  
Rules Committee Chair  
Sally Harris, COTA  
Todd N. Novosad, OTR, Alternate

Committee Members Absent: Amanda Jean Ellis, Public Member

Staff Present: John Maline, Executive Director  
Danielle DeVellis, Investigator  
Cynthia Machado, Licensing Manager  
Lea Weiss, OT Coordinator

**1. Call to Order**

DeLana Honaker, Rules Committee Chair, called the roll and established that a quorum existed. The meeting was called to order at 1:15 PM.

**2. Public Comment**

There was no public comment.

**3. Approval of the Minutes of February 5, 2015**

**Motion: To approve the minutes as written**

**Made by: Sally Harris**

**Second by: DeLana Honaker**

**Motion passed.**

**4. Discussion and possible action on proposing rule amendments, including amendments regarding Telehealth, to the following rules:**

**A. §362.1, Definitions**

The Committee, upon the Board's request, considered language changes related to telehealth, as proposals related to such were withdrawn and not adopted at the February 6, 2015 Board meeting.

The Committee discussed adding to §362.1, Definitions, definitions of "telehealth," "face-to-face," and "on-site"; removing the definition for "direct care"; and adding language to "practice."

The Committee took a short recess from 1:35 to 1:40 PM.

**B. §372.1, Provision of Services**

The Committee discussed an "a" inclusion to §372.1, Provision of Services, such that the occupational therapist who screens, evaluates, writes, or implements the plan of care would be responsible for determining the need for the physical presence of an occupational therapy practitioner during any interactions with clients.

1 The Committee discussed language that would require that an occupational therapist who  
2 performs the initial evaluation must be physically present with the client during the initial  
3 evaluation process and that devices (such as wheelchair positioning devices, splints,  
4 therapeutic tape, etc.) that are in sustained skin contact with the client require the physical  
5 presence of the occupational therapy practitioner for any initial or subsequent applications  
6 and/or monitoring of the device.  
7

8 Todd Novosad joined the Committee meeting at 2:45 during discussion of this agenda item.  
9 The Committee reviewed the previous agenda items and discussion, including  
10 recommendations for any changes.  
11

12 **C. §373.1, Supervision of Non-Licensed Personnel; §373.2,**  
13 **Supervision of a Temporary Licensee; and §373.3, Supervision**  
14 **of an Occupational Therapy Assistant**

15 The Committee discussed changes to §373.1, Supervision of Non-Licensed Personnel, to clarify  
16 that when non-licensed personnel are assisting in the construction of adaptive/assistive  
17 equipment, the licensee must be physically present for any initial applications to the client. The  
18 Committee discussed removing “splints” from §373.1(e)(5) in accordance with changes  
19 discussed to §372.1.  
20

21 The Committee, in addition, discussed reorganizing §373.2, Supervision of a Temporary  
22 Licensee, to clarify supervision requirements for temporary licensees and to add language that  
23 would allow new licensees, upon verification of their licensure status and expiration date on the  
24 Board’s verification page, to provide services according to the conditions of the license. The  
25 Committee also discussed adding a provision requiring that occupational therapists who hold a  
26 temporary license must record their required supervision on a Supervision Record.  
27

28 The Committee, furthermore, discussed changes to §373.3, Supervision of an Occupational  
29 Therapy Assistant, to reorganize and clarify supervision requirements for occupational therapy  
30 assistants and to revise required supervision hours based upon the number of hours an  
31 occupational therapy assistant works during a given month.  
32

33 **D. §369.1, Display of Licenses; and §369.2, Changes of Name or**  
34 **Address of Licensees**

35 The Committee discussed adding language to §369.1, Display of Licenses, that would allow  
36 new licensees, upon verification of their licensure status and expiration date on the Board’s  
37 verification page, to provide services. The Committee also discussed changes that would clarify  
38 the process to request a replacement license and addressed the removal “of Licensees” from  
39 the name of §369.2 as the section refers to applicants and licensees.  
40

41 **E. §376.8, Restoration of Registration**

42 The Committee discussed language changes to §376.8, Restoration of Registration,  
43 to clarify the existing rule in general and the restoration process for facilities with cancelled  
44 registrations.  
45

46 **Motion: To recommend changes to §362.1, Definitions; §372.1, Provision**  
47 **of Services; §373.1, Supervision of Non-Licensed Personnel; §373.2,**  
48 **Supervision of a Temporary Licensee; §373.3, Supervision of an**  
49 **Occupational Therapy Assistant; §369.1, Display of Licenses; §369.2,**  
50 **Changes of Name or Address of Licensees; and §376.8, Restoration of**  
51 **Registration, as discussed**

52 **Made by: Todd N. Novosad**

1 **Second by: Sally Harris**

2 **Motion passed.**

3

4 **5. Discussion and possible action on proposing rule amendments regarding**  
5 **restorative nursing plans and recommendations for any further needs of the patient in**  
6 **another continuum of care as per §372.1, Provision of Services, and the definition of**  
7 **occupational therapy practice as per §362.1, Definitions**

8 The Committee discussed §372.1, Provision of Services, and §362.1, Definitions, with regard to  
9 recommendations, such as those related to restorative nursing programs, for any further needs  
10 of the patient in another continuum of care.

11

12 **6. Discussion and possible action on questions received by the Texas Board of**  
13 **Occupational Therapy Examiners related to the OT Practice Act and Board Rules**

14 The Committee discussed questions related to practice as received by the Board.

15

16 **7. Discussion and possible action on future meeting dates and agenda items**

17 The Committee discussed the next possible meeting date of August 13, 2015 in Austin, TX.

18

19 **8. Adjournment**

20 The Rules Committee adjourned at 3:25 PM.

21

22 **Minutes adopted on: August 13, 2015**